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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
I4303.0115

First Named Inventor: Song Chen

Art Unit: 2126

Application Number: 09/828,381-Conf. #1798

Examiner: S. X. Lao

Filed: April 5, 2001

Title: VIRTUAL MACHINE INTERFACE FOR HARDWARE RECONFIGURABLE AND
SOFTWARE PROGRAMMABLE PROCESSORS

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 500.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of

Amend. in Response to Non-Final Office Action (identify the type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Laura C. Brutman August 29, 2006
Signature Date

Laura C. Brutman 38,395
Typed or printed name Registration Number, if applicable

DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
Address

(212) 277-6592
Telephone Number

- Enclosure ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐ _____

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Laura C. Brutman
Signature

August 29, 2006
Date

Brutman, Laura C.
Typed or printed name

38,395
Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The Office Action dated January 23, 2006, was returned to the USPTO, as indicated by the February 2, 2006 USPTO stamp on the "Miscellaneous Incoming Letter" (i.e., the returned January 23, 2006 Office Action) found in the file wrapper. The USPTO did not remail the returned Office Action, and therefore Applicant never received the Office Action prior to the end of the period for response.

In early 2006 the Applicant was being represented by Darby & Darby, and in April 2006 transferred representation to Dickstein Shapiro, as indicated by the Change of Power of Attorney filed on May 1, 2006. Applicant notes that MPEP § 711.03(c) requires submission of a copy of the docket record where the nonreceived Office Action would have been entered had it been received and docketed. However, as Darby & Darby is a competitor of Dickstein Shapiro, it is unlikely Darby would be willing to provide a docket record, which includes Darby's client's confidential application information. Applicant has confirmed with Darby's docketing manager, Gabriella Karaszi, that the January 23, 2006 Office Action is not in Darby's docketing system, indicating that Darby never received the Office Action.

The granting of this Petition is therefore respectfully solicited.

In compliance with the USPTO rules, Applicant encloses a Petition fee of \$500. Since the USPTO should have known that Applicant would not receive the Office Action after it was returned and not remailed, Applicant respectfully requests a refund of this Petition fee.

(Please attach additional sheets if additional space is needed)